

Transportation and Land Use Dialog Legislative Sub-Group

Mission

To recommend local, state and federal legislative solutions to Northern Virginia's transportation crisis. The recommendations shall be based on each Sub-Group member's personal experience and knowledge base, and the information received during the *Braddock Transportation and Land-use Dialog*.

Sub-Group Guidelines. To maximize the viability of its recommendations, the Sub-Group believes that each recommendation must:

1. Have widespread support:
 - Local recommendations should have potential for bipartisan, Northern Virginia support and potentially benefit the entire region;
 - State recommendations should have potential for bipartisan, multi-regional support and potentially lead to teaming up with other Regions (e.g., Tidewater);
 - Federal recommendations should have potential for bipartisan, multi-state support and the possibility of teaming up with other States (e.g., Maryland and D.C.);
2. Offer tangible local benefit while enticing (or at least not hurting) other regions;
3. Include both general and specific policy positions;
4. Include short-term realistic solutions and longer-term 'outside the box' solutions.

Policy Considerations:

1. AUTHORITY: Transportation and Land Use policy must be connected. Currently, VDOT controls most transportation decisions while local government controls land use. While Fairfax (and Braddock District) can adopt significant changes to improve the local transportation crisis, NOVA needs effective cross-jurisdictional authority or cooperation. This authority must remember that all the money in the world will not solve the problem without better planning; funding is not the biggest problem but part of the problem. As such, tax increases are not necessarily the solution. We do not endorse a new unelected regional "Authority" (read: bureaucracy), but rather a shift in responsibility to City Councils and County Boards of Supervisors, coupled with effective coordination between these *elected bodies*.

2. TAXATION AND SPENDING: Spending and taxation authority should be shifted to give greater authority *and responsibility* to local elected officials. Legislative changes should include giving local government: (1) a wider *potential* revenue base; (2) the responsibility to "sell" such changes to the voters (not abdicate responsibility through referenda); (3) the responsibility make decisions concerning taxation and spending while balancing the total tax burden (e.g., significantly reducing the real estate tax burden in exchange for increases in other areas); and (4) the responsibility to prioritize all spending. While abolishing the Dillon Rule would achieve this goal, the Sub-Committee recognizes that such a change is not likely and has made Recommendations which are realistic.

The Sub-Committee also supports taxation and spending policy changes that establish dedicated streams of revenue (i.e., dedicating a revenue stream to a local Transportation Fund that would serve as the principal for transportation bonds).

3. FAIR SHARE: The Sub-committee recognizes the inherent dilemma in the time-honored campaign slogan, "I will fight for our fair share." The reality is that, in some ways, Northern Virginia gets the lion's share of Virginia transportation dollars (witness: the Mixing Bowl project and the Wilson Bridge project). This reality must be balanced against the reality that those projects are interstate improvements which benefit all Virginians (indeed, anyone traveling on the East Coast), while the percentage of NOVA dollars dedicated to local transportation improvements is far less than the proportion of the population. The reality: we will not get more state dollars without a tradeoff to other parts of the state.

4. POLITICAL REALITY: No legislator will vote for ANY change that results in fewer dollars in his or her district. The idea that state revenue raised in a jurisdiction should stay there may be unworkable.

In a related manner, the Sub-Group believes that, for ANY solutions to have any chance at being approved and implemented, Northern Virginia leaders – elected and appointed officials, as well as civic and other activists - must take an active role in educating their fellow Northern Virginians as to the crisis and its potential solutions. These leaders must take the case to the people using formal transportation forums such as the *Dialog*, as well as taking advantage of other non-traditional settings. For example, setting forth a presentation at a local Back to School Night, to educate parents and teachers about the inter-relationship between and among transportation, land use and facilities such as schools.

5. GROWTH: Growth puts pressure on transportation which ultimately requires greater spending. Without an alternative, that pressure is manifest in government's need/desire to raise taxes. Alternatives should include the REQUIREMENT that developers shoulder a greater burden of creating adequate public facilities *at the front end*. The Sub-Committee understands that placing mandates on developers will lead to developers passing on all or part of the cost of these mandates to those purchasing or renting the new housing units, thus driving up the cost of housing. As such, mandates should include an additional mandate that affordable housing be included among any new projects.

6. SCHOOLS. Related to growth, the Sub-committee recognizes that school construction is inherently tied to Transportation and Land Use

RECOMMENDATIONS

Below are the ***Legislative Sub-Group of the Braddock District Community Dialog on Transportation and Land Use*** recommendations. The recommendations, which include two groups of five (5) recommendations lumped into two categories (State and Local recommendations), are the result of several sub-committee meetings, and the input of the members of the Group via e-mail and in person. The recommendations have been prioritized by the Sub-Group. Every member of the Sub-Group participated in this process in some form, and each recommendation received a majority endorsement (although not all members agreed on all recommendations). The Sub-Group has chosen not to prepare a 'minority report.'

Previously, the Sub-Group included proposed 'common sense solutions' that should be pursued immediately, and all proposals which were not adopted.

STATE RECOMMENDATIONS

1. Enact legislation adopting a new Fairfax County Charter to include greater local (Board of Supervisor - BOS) authority to tax and spend on transportation; provided the authority rests only with the BOS and is not abdicated via referendum. This recommendation is a politically practical alternative to abolishing the 'Dillon Rule' or creating a new "City of Fairfax," which the committee believes are unworkable. The intention is to give the BOS a larger potential revenue base with which to ease the real property tax burden, and fund new transportation spending. Examples of this 'greater authority' may include:
 - i. Meals Tax
 - ii. Cigarette Tax
 - iii. Lodging Tax
 - iv. Piggy-Back income tax
 - v. Greater spending authority
2. Enact legislation to increase the gasoline tax, and dedicating revenues to transportation – provided that the region's state transportation budget cannot be cut below current funding levels. This law change should be passed in the legislature and not on ballot.
3. Enact legislation to significantly increase fines for HOV violators (e.g., \$500 for first offense, \$1,500 and 3 month loss of license for 2nd offense).
4. Enact a constitutional amendment to prevent the Governor and GA from "raiding" the transportation trust fund.

5. Enact legislation to increase the driver's license age in NOVA to 17 (similar to NYC), and prohibit high school students from driving to school (provided that a special exemption for extraordinary circumstances is included).

LOCAL RECOMMENDATIONS

1. Enact a program where by VRE and all "non Metro" transit (including local bus and shuttle bus services) are merged and/or coordinated to reduce administrative costs and free up money for development of the systems. This program should include: use of mini-buses in neighborhoods; removing larger buses from routes that do not have adequate passengers; cleaner, nicer buses to encourage more use; and employing a system whereby people who use or are willing to use transit daily, could register for mini bus service at or near their homes, rather than driving to VRE stations.
2. Aggressively seek opportunities to connect non-road modes of ground transport (i.e., trails) to transit access points. For example, Burke Centre is exploring the possibility of linking several bike trail/walking paths to the local VRE station). Signal Hill, Middle Ridge and Fairfax Club Estates are additional Braddock-specific locations which may benefit from this.
3. Create business tax incentives (BPOL, commercial property, etc.) that encourage telecommuting by Fairfax County employees, and the County a leader in telecommuting. The Sub-Committee noted that other complimentary government action, such as the governor's recent directive that all new roads include high-tech wiring capabilities, should be pursued at the County level as well.
4. Enact zoning ordinance standards that better protect the need for infrastructure prior to development, and require developers to fund adequate roads, schools, libraries, facilities (sewage, water, etc) and green space. In particular:
 - i. Strengthen the current proffer system to include specific thresholds, expressed in dollars that developers must pay for each of the residential criteria used to evaluate re-zoning requests; each impact must be evaluated and addressed separately, and criteria shouldn't be interchangeable. For instance, roads and transit needs should not lose out to other criteria, such as environmental or landscaping through negotiations with developers. Such proffers must be tied to a specific land use purpose in order to be approved and withstand judicial scrutiny.
 - ii. Enact comprehensive plan changes that "down-plan" areas of Fairfax that do not have – and will not likely have in the next decade -- the capacity to accommodate needed roads and other facilities. This should be done in conjunction with "up-planning" for higher density around metro areas.
5. Enact legislation to create HOT (High Occupancy Toll) lanes – a High Occupancy Vehicle lane converted to accept variable toll payments from non-HOV drivers, and provide for an increase to 3 or 4 passengers in any non-HOT lanes. The Variable toll increases with increasing congestion and decreases with decreasing congestion, thus capitalizing on "unused" or excess space as drivers decide what is more important: their time or their money?

In a similar manner, the creative use of traditional tolls should be considered for revenue raising and modification of traffic behavior. For example, the Greenway maximizes traffic flow by offering electronic toll collection through the Smart Tag System, a quick convenient toll payment method. The Greenway's Smart Tag lanes process five times as many vehicles per hour as conventional cash payment lanes.